

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**RONDELL J. WOLFE AND ROY WOLFE,**  
**Plaintiffs**

**VS.**

**SUPERIOR WELL SERVICES, INC.,**  
**Defendant**

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**NO: \_\_\_\_\_**  
**(JURY)**

**PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, RONDELL J. WOLFE AND ROY WOLFE, Plaintiffs, and files this their Original Complaint, complaining of and against SUPERIOR WELL SERVICES, INC. ("SUPERIOR"), Defendant in this cause, and in support thereof, would respectfully show the Court the following, to-wit:

1. Plaintiffs are citizens of the State of Texas.
2. Defendant, SUPERIOR, is a foreign corporation with its principle residence and place of business in the State of Pennsylvania. Defendant may be served with summons by serving an officer of the company at its place of business at Superior Well Services, Inc., 121 Airport Professional Building, 1380 Route 286 Hwy E, Indiana, PA 15701.
3. The matter in controversy exceeds, exclusive interest and costs, the sum specified by 28 U.S.C. §1332, and Plaintiffs and Defendant are residents and citizens of different states; therefore, this Court has jurisdiction.
4. This Court has venue because this accident occurred in the Eastern District of Texas, and Plaintiffs were residents in the Eastern District of Texas when the accident occurred. Furthermore, Defendant regularly conducts business in the Eastern District of Texas, Marshall Division.

5. On or about August 17, 2012, Plaintiffs were was traveling Northbound in a safe and careful manner on Judson Rd. in Longview, Texas. Defendant, SUPERIOR, violently rear-ended Plaintiff with the vehicle being driven by its driver, Floyd Lamar Hill (“Hill”).

6. At all times pertinent to this lawsuit, Hill was in the course and scope of his employment or agency relationship with Defendant, SUPERIOR, and Plaintiffs invoke the doctrine of *Respondent Superior*.

7. On the occasion in question, Defendant’s driver, Hill, operated the 2011 Ford F-250 in a negligent manner, in that he violated the duty which he owed to Plaintiffs to exercise ordinary care in the operation of his motor vehicle, *inter alia*, in failing to control his speed, in failing to keep a proper look-out, in failing to properly apply his brakes, in failing to take proper evasive action in order to avoid a collision, in failing to maintain an assured clear distance, and in violating such laws and ordinances so as to constitute negligence *per se*. Each of these acts and omissions, singularly, or in combination with others, constituted negligence which proximately caused the occurrence made the basis of this action and Plaintiffs’ injuries and damages.

8. As a direct and proximate result of the previously described negligence of the Defendant, Plaintiff, RONDELL J. WOLFE, suffered injuries to his body generally. These injuries are permanent in nature and in all reasonable probability, said Plaintiff will suffer for a long time into the future, if not for the balance of his natural life. Plaintiff has suffered severe physical pain and mental anguish, and in reasonable probability, will suffer such physical pain and mental anguish in the future. Plaintiff has incurred medical expenses and lost wage earning capacity in the past, and in reasonable probability will incur such in the future. Further, Plaintiff has suffered severe physical impairment and disfigurement, and in reasonable probability, will suffer such physical impairment and disfigurement in the future. This suit is brought for fair, reasonable and adequate compensation for all of his damages, and it is alleged that such compensation is well in excess of \$100,000.00.

9. As a direct and proximate result of the previously described negligence of the Defendant, Plaintiff, ROY WOLFE, suffered injuries to his body generally. These injuries are permanent in nature and in all reasonable probability, said Plaintiff will suffer for a long time into the future, if not for the balance of his natural life. Plaintiff has suffered severe physical pain and mental anguish, and in reasonable probability, will suffer such physical pain and mental anguish in the future. Plaintiff has incurred medical expenses and lost wage earning capacity in the past, and in reasonable probability will incur such in the future. Further, Plaintiff has suffered severe physical impairment and disfigurement, and in reasonable probability, will suffer such physical impairment and disfigurement in the future. This suit is brought for fair, reasonable and adequate compensation for all of his damages, and it is alleged that such compensation is well in excess of \$100,000.00.

10. Plaintiffs would show that they are entitled to both pre-judgment and post-judgment interest at the highest rates allowed by law or statute.

#### **REQUEST FOR JURY TRIAL**

11. Plaintiffs respectfully request a trial by a jury of their peers.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendant be cited to appear and answer, and that upon final trial, Plaintiffs recover a judgment against the Defendant for their damages, interest, costs, and for such other and further relief to which Plaintiffs may be justly entitled, general and special, at law and at equity.

**RESPECTFULLY SUBMITTED:**

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